

In The Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (currently amended) A method for content transmission network selection in a system coupled in parallel through both of a broadcast network and a broadband network to a viewer location wherein the broadcast network and the broadband network are different, the method comprising the steps of:

identifying video programming content to be transmitted to the viewer location based on ~~at least one~~ a transmission request;

selecting one of ~~determining whether to transmit the video programming content using a~~ the broadcast network or a broadband ~~the broadband~~ network for transmission of the video programming content to the viewer location based upon characteristics of the transmission request comprising a future time at which the video programming content is requested to be viewed, the ~~determination~~ selection based at least in part on an option of delivering the video programming content either at a time that the request is received or at the future time; and

transmitting the video programming content on the selected one of the broadcast network or the broadband network to the viewer location coupled to both of the broadcast and broadband networks.

2. (currently amended) A method as in claim 1, wherein the step of identifying content to be transmitted based on ~~at least one~~ a transmission request comprises the steps of:

transmitting a list of available content items over ~~a broadband~~ the broadband network; and

receiving from ~~a broadband~~ the broadband network requests for content items.

3. (currently amended) A method as in claim 22, wherein said step of selecting one of ~~determining whether to transmit the content using a broadcast~~ the broadcast network or a broadband ~~the broadband~~ network comprises the steps of:

determining whether there is sufficient available bandwidth in the broadcast network to transmit the content;

if there is not sufficient available bandwidth in the broadcast network, then determining to transmit the content over ~~a broadband~~ the broadband network;

if there is a sufficient available bandwidth in the broadcast network, then determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network;

if the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network, then determining to transmit the content over ~~a broadband~~ the broadband network; and

if the cost of transmitting the content over the broadcast network does not exceed the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadcast network.

4. (original) A method as in claim 3, wherein said step of determining whether there is sufficient available bandwidth in the broadcast network to transmit the content comprises the steps of:

determining the available bandwidth in the broadcast network;

determining the minimum transfer rate for the content;

determining whether the minimum transfer rate for the content exceeds the available bandwidth in the broadcast network;

if the minimum transfer rate for the content exceeds the available bandwidth in the broadcast network, then determining that there is not sufficient available bandwidth in the broadcast network to transmit the content; and

if the minimum transfer rate for the content does not exceed the available bandwidth in the broadcast network, then determining that there is sufficient available bandwidth in the broadcast network to transmit the content.

5. (original) A method as in claim 3, wherein said step of determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network comprises the steps of:

determining a cost of transmission per unit of data over the broadband and broadcast networks;

determining the total number of units of data in the content; and

determining if the product of the total number of units of data in the content and cost of transmission per unit of unit of data over the broadcast network exceeds the product of the total number of units of data in the content and cost of transmission per unit of data over the broadband network.

6. (original) A method as in claim 1, wherein said broadcast network comprises one of a direct to home satellite network, a terrestrial wireless network, and a cable network.

7. (original) A method as in claim 1, wherein said broadband network comprises one of a digital subscriber line network and a cable network.

8. (previously presented) A method as in claim 1, wherein said characteristics of the transmission request further comprise at least one of the geographic location to which the content is to be transmitted and a dollar amount the viewer is willing to pay for the content.

9. (previously presented) A method as in claim 22, wherein said characteristics of the content to be transmitted comprise at least one of the following: size of the content, duration of the content, the total number of requests for the content, and the minimum transmission rate on a given network for the content.

10. (previously presented) A method as in claim 22, wherein said characteristics of the broadcast network comprise at least one of the available bandwidth on the network, the geographic boundaries of the network, and the cost of transmission at a given time of day on the network.

11. (previously presented) A method as in claim 22, wherein said characteristics of the broadband network comprises of at least one of the following:

available bandwidth on the network, geographic boundaries of the network; and cost of transmission at a given time of day on the network.

12. (original) A method as in claim 1, further comprising the step of transmitting over a broadcast network a notification of the transmission characteristics.

13. (currently amended) A method as in claim 12, wherein said transmission characteristics comprise ~~at least one of the following: time of transmission and an~~ identification of a transmission network.

14. (currently amended) A method as in claim 1, wherein said step of transmitting the content on one of the broadcast network or the broadband network comprises transmitting the content on one of the broadcast network or the broadband network at a time prior to the future time at which the content is requested to be viewed.

15. (currently amended) A method as in claim 1, wherein said step of transmitting the content on one of the broadcast network or the broadband network comprises transmitting the content on one of the broadcast network or the broadband network at the future time at which the content is requested to be viewed.

16. (currently amended) A computer readable medium for a transmission network selector coupled in parallel through both of a broadcast network and a broadband network to a viewer location wherein the broadcast network and the broadband network are different, the computer readable medium having stored thereon computer readable instructions for performing the following steps:

identifying video programming content to be transmitted to the viewer location based on ~~at least one a~~ a transmission request;

selecting one of the ~~determining whether to transmit the video programming content using a broadcast network or a broadband~~ the broadband network for transmission of the video programming content to the viewer location based upon

characteristics of the transmission request comprising a future time at which the video programming content is requested to be viewed, the ~~determination~~ selection based at least in part on an option of delivering the video programming content either at a time that the request is received or at the future time; and

transmitting the video programming content on the selected one of the broadcast network or the broadband network to the viewer location.

17. (currently amended) The computer readable medium of claim 23, wherein said instructions for performing the step of ~~determining whether to transmit the content using a~~ selecting one of the broadcast network or ~~a broadband~~ the broadband network comprise instructions for performing the following steps:

determining whether there is sufficient available bandwidth in the broadcast network to transmit the content;

if there is not sufficient available bandwidth in the broadcast network, then determining to transmit the content over a broadband network;

if there is a sufficient available bandwidth in the broadcast network, then determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network;

if the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadband network; and

if the cost of transmitting the content over the broadcast network does not exceed the cost of transmitting the content over the broadband network, then determining to transmit the content over ~~a broadcast~~ the broadcast network.

18. (original) The computer readable medium of claim 16 having stored thereon computer readable instructions for further performing the step of transmitting ~~over a~~ over the broadcast network a notification of the transmission characteristics.

19. (currently amended) A system for content transmission network selection wherein the system is coupled in parallel through both of a broadcast network and a

broadband network to a viewer location wherein the broadcast network and the broadband network are different, the system comprising:

a processor operative to execute computer executable instructions; and
memory having stored therein computer executable instructions for
performing the following steps:

identifying video programming content to be transmitted to the viewer location based ~~on at least one~~ on a transmission request;

selecting one of the ~~determining whether to transmit the video programming content using a broadcast network or a broadband~~ the broadband network for transmission of the video programming content to the viewer location based upon characteristics of the transmission request comprising a future time at which the video programming content is requested to be viewed, the ~~determination~~ selection based at least in part on an option of delivering the video programming content either at a time that the request is received or at the future time; and

transmitting the video programming content on one the selected of the broadcast network or broadband network to the viewer location.

20. (currently amended) The system of claim 24, wherein said computer executable instructions for performing the step of selecting one of the ~~determining whether to transmit the content using a broadcast network or a broadband~~ the broadband network comprise computer executable instructions for performing the following steps:

determining whether there is sufficient available bandwidth in the broadcast network to transmit the content;

if there is not sufficient available bandwidth in the broadcast network, then determining to transmit the content over a broadband network;

if there is a sufficient available bandwidth in the broadcast network, then determining whether the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network;

if the cost of transmitting the content over the broadcast network exceeds the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadband network; and

if the cost of transmitting the content over the broadcast network does not exceed the cost of transmitting the content over the broadband network, then determining to transmit the content over a broadcast network.

21. (currently amended) The system of claim 19, wherein said memory has stored therein computer executable instructions for further performing the step of transmitting over ~~a broadcast~~ the broadcast network a notification of the transmission characteristics.

22. (currently amended) The method of claim 1, comprising ~~determining whether to transmit the content using a~~ selecting one of the broadcast network or a ~~broadband~~ the broadband network based upon the characteristics of the transmission request and at least one of the following: characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network.

23. (currently amended) The computer readable medium of claim 16, comprising computer readable instructions for selecting one of the ~~determining whether to transmit the content using a~~ broadcast network or a ~~broadband~~ the broadband network based upon the characteristics of the transmission request and at least one of the following: characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network.

24. (currently amended) The system of claim 19, comprising computer executable instructions for selecting one of the ~~determining whether to transmit the content using a~~ broadcast network or a ~~broadband~~ the broadband network based upon the characteristics of the transmission request and at least one of the following: characteristics of the content to be transmitted, characteristics of the broadcast network, and characteristics of the broadband network.

25. (new) A method as in Claim 1 wherein the video programming content comprises first video programming content, wherein the transmission request

comprises a first transmission request, and wherein selecting one of the broadcast network or the broadband network comprises selecting the broadcast network, the method further comprising:

identifying second video programming content to be transmitted based on a second transmission request wherein the first and second transmission requests are different;

selecting the broadband network for transmission of the second video programming content based upon characteristics of the second transmission request comprising a second future time at which the second video programming content is requested to be viewed, the selection of the broadband network being based at least in part on an option of delivering the second video programming content either at a time that the second request is received or at the future time; and

transmitting the second video programming content on the broadband network.

26. (new) A method according to Claim 25 wherein transmitting the first video programming content on the broadcast network comprises transmitting the first video programming content on the broadcast network without using the Internet, and wherein transmitting the second video programming content on the broadband network comprises transmitting the second video programming content on the broadband network including the Internet.

27. (new) The computer readable medium of Claim 16 wherein the video programming content comprises first video programming content, wherein the transmission request comprises a first transmission request, and wherein selecting one of the broadcast network or the broadband network comprises selecting the broadcast network, the computer readable medium further having stored thereon computer readable instructions for performing the following steps:

identifying second video programming content to be transmitted based on a second transmission request wherein the first and second transmission requests are different;

selecting the broadband network for transmission of the second video programming content based upon characteristics of the second transmission request comprising a second future time at which the second video programming content is requested to be viewed, the selection of the broadband network being based at least in part on an option of delivering the second video programming content either at a time that the second request is received or at the future time; and

transmitting the second video programming content on the broadband network.

28. (new) The computer readable medium of Claim 27 wherein transmitting the first video programming content on the broadcast network comprises transmitting the first video programming content on the broadcast network without using the Internet, and wherein transmitting the second video programming content on the broadband network comprises transmitting the second video programming content on the broadband network including the Internet.

29. (new) The system of Claim 19 wherein the video programming content comprises first video programming content, wherein the transmission request comprises a first transmission request, and wherein selecting one of the broadcast network or the broadband network comprises selecting the broadcast network, the memory further having stored therein computer executable instructions for performing the following steps:

identifying second video programming content to be transmitted based on a second transmission request wherein the first and second transmission requests are different;

selecting the broadband network for transmission of the second video programming content based upon characteristics of the second transmission request comprising a second future time at which the second video programming content is requested to be viewed, the selection of the broadband network being based at least in part on an option of delivering the second video programming content either at a time that the second request is received or at the future time; and

transmitting the second video programming content on the broadband network.

30. (new) The system of Claim 29 wherein transmitting the first video programming content on the broadcast network comprises transmitting the first video programming content on the broadcast network without using the Internet, and wherein transmitting the second video programming content on the broadband network comprises transmitting the second video programming content on the broadband network including the Internet.